



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

JAN 29 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nelson Galvanizing, Inc.
Nelson Foundry, Inc.
11-02 Broadway
Long Island City, New York 11106

Re: Request for Information under § 3007 of RCRA and § 104(e) of
CERCLA
Nelson Galvanizing, Inc. facility
EPA ID Number: NYD100229350

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is charged with the protection of health and the environment under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 et seq. and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq.

Specifically, EPA is charged with regulating the handling of hazardous waste under RCRA and with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under CERCLA.

EPA has determined that Nelson Galvanizing, Inc. generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes. EPA has also reason to believe that there may be a release or a threat of release of hazardous substances into the environment at or from the property located at or about 11-02 Broadway, County of Queens, New York City, New York, herein referred to as the "Nelson Galvanizing Facility" or the "Facility".

Pursuant to § 3007(a) of RCRA, EPA may require parties who have handled hazardous waste to provide information relating to such wastes. In addition, in order to determine the need for a response to a release or a threatened release, of a hazardous substance, pollutant, or contaminant, to choose or take a response action, or to otherwise enforce the provisions of CERCLA, EPA may, pursuant to § 104 of CERCLA, require parties to



provide information relating to the following: the identification, nature and quantity of materials generated, stored, or disposed of at, or transported to, a facility; the nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from the facility; and the ability of a person to pay for or to perform a cleanup.

Pursuant to the statutory provisions cited above, EPA hereby requires that you answer the questions posed in the attached "Request for Information." The enclosed "Instructions and Definitions" must be followed in connection with your response. The notarized signature of an officer or other responsible official of each company must appear on the enclosed "Certification of Answers to Request for Information," which must be attached to your response to this information request.

The response to this Request for Information must be postmarked or received at EPA within thirty (30) calendar days of the date of this letter, and must be mailed to:

Anne Kelly
Compliance Officer
Hazardous Waste Compliance Branch
U.S. Environmental Protection Agency, Region II
26 Federal Plaza, Room 1121
New York, New York 10278

with a copy to:

Michael Mintzer, Esq.
Office of Regional Counsel
NY/Caribbean Superfund Branch
U.S. Environmental Protection Agency, Region II
26 Federal Plaza, Room 437AA
New York, New York 10278

The failure to comply in all respects with this Request for Information within the time specified above may result in the initiation of an enforcement action under § 104(e)(5) of CERCLA and/or § 3008 of RCRA.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of the response should later become known or available. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of the response is found to be untrue, the signatories and each company may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

The respondents may, if it is desired, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in § 104(e)(7) of CERCLA and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information contained in the response to the attached Request for Information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions regarding this letter, please call Michael A. Mintzer in the Office of Regional Counsel at (212) 264-3348.

Sincerely yours,



Richard L. Caspe, P.E., Director
Emergency and Remedial Response Division



Conrad Simon, Director
Air and Waste Management Division

bcc: Walter Mugdan	2ORC-DRC
Eric Schaaf	2ORC-NYCSUP
Michael Mintzer	2ORC-NYCSUP
Bruce Sprague	2ERRD-RPB
Paul Kahn	2ERRD-RPB
Leslie Peterson	2ERRD-PSB
Suzanne Becker	2ERRD-PSB
Stuart Keith	2ORC-AWTS
Wilkie Sawyer	2ORC-AWTS
John Gorman	2AWM-HWC
Anne Kelly	2AWM-HWC
Leonard Grossman	2AWM-HWC
Gary Nurkin	2ORC
Walt Andrews	2WMD-DGWP
Dan Kraft	2ES-PTS
Rick Spear	2ES-SM
Joe Russo	2OCI
Laura Livingston	2PAB-OPM
Tony Colon	2ERRD

INSTRUCTIONS AND DEFINITIONS
FOR RESPONDING TO THE REQUEST FOR INFORMATION

In responding to this Request for Information, apply the following instructions and definitions:

1. A separate and complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
2. The signatory on the "Certification of Answers to the Request for Information" must be an officer or agent who is authorized to respond on behalf of each company. If Nelson Galvanizing, Inc. and Nelson Foundry, Inc. are under common control, then a single response to this "Request for Information" shall be sufficient. Otherwise you shall provide a separate response from each company.
3. In preparing your response to each question, consult with all present and former employees and agents of each company who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. It is your responsibility to try to obtain any information pertinent to any question. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such

document by author, date, subject matter, number of pages, and all recipients and their addresses.

10. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, inter alia, the person or entity's full name and present or last known address.
11. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
12. As used herein, the term "company" or "companies" shall mean Nelson Galvanizing, Inc. and/or Nelson Foundry, Inc.
13. As used herein, the term "Facility" means the real property located at 11-02 Broadway, County of Queens, State of New York and the structures, other appurtenances, and improvements situated on such real property and the machinery and equipment used in connection therewith.
14. As used herein, the term "hazardous waste" shall have the meaning set forth in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
15. As used herein, the term "generator" shall mean any person whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
16. As used herein, the terms "hazardous substance" shall have the meaning set forth in § 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to § 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of hazardous substance under § 101(14) of CERCLA) are set forth in 40 C.F.R. Part 302.
17. As used herein, the term "manage" shall mean market, generate, treat, store, dispose or otherwise handle.
18. As used herein, the term "hazardous constituents" shall mean any of those substances listed in 40 C.F.R. Part 261, Appendix VIII.
19. As used herein, the term "Solid Waste Management Unit" or "SWMU" shall mean any landfill, surface impoundment, land application area, waste pile, incinerator, injection well, transfer station, waste recycling operation, tank or container storage area that currently or formerly was used to manage a solid waste.

20. The term "release" includes, but is not limited to, any spilling, leaking, pumping, pouring, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, excluding releases otherwise permitted under law.
21. As used herein, the terms "solid waste" and "spent materials" shall have the meanings provided in 40 C.F.R. Part 261.
22. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.
23. For each of the following questions, send copies of all records, writings or other documents that relate to the question.

REQUEST FOR INFORMATION

1. For each of Nelson Galvanizing, Inc. and Nelson Foundry, Inc.:
 - a. State the correct legal name of each company.
 - b. Identify the state of incorporation and date of incorporation of each company and its agents for service of process in the state of incorporation and in New York State. Provide a copy of the certificate of incorporation for each company and any amendments thereto.
 - c. State the name(s) and address(es) of the President, the Chairperson of the Board of each company, and all other officers, directors and stockholders of each company. Describe in detail the duties and functions of each such person.
 - d. Please state whether either company has any parent corporations, subsidiary corporations or other affiliated (common ownership or control) corporations and, if yes, please identify the president and mailing address of such other corporations.
 - e. If either company is a successor to another company, identify such other company.
 - f. What is the Standard Industrial Classification Code (SIC) of Nelson Galvanizing, Inc.
2. With respect to the ownership and use of the Facility:
 - a. Identify the present owner of the real property at 11-02 Broadway which is part of the Facility and furnish a copy of the deed by which such owner acquired title to the real property;
 - b. Identify whether Nelson Galvanizing, Inc. presently uses the Facility. If yes, describe the terms and conditions pursuant to which such use occurs. If there is a written lease, provide a copy thereof. If use occurs pursuant to other than a written lease, describe the terms and conditions of such use and provide a copy of any documentation or other memoranda (including a copy of all canceled checks for the most recent twelve months). If Nelson Galvanizing, Inc. is not the present user, identify the present user and provide the same information for such present user;
 - c. Identify all prior users of the Facility and of the real property during the period that Nelson Foundry, Inc. owned such property, including a description of the business conducted, the terms and conditions of any lease

or other right to use the premises (and provide a copy of the lease or other documentation permitting such use) and identify the last known name and address of all owners or other principals of all such prior users.

3. Describe the business conducted by each of Nelson Foundry, Inc. and Nelson Galvanizing, Inc. at the Facility. State whether either company conducts business at any location other than at the Facility. If yes, identify such other locations and describe such business.

4. Identify each process presently employed in the business conducted at the Facility. For each such present process, identify all chemicals employed in each process and state the quantities of each chemical used, per month, for the most recent twelve month period. Further identify all chemicals employed in all maintenance procedures and waste management procedures at the Facility and state the quantities used per month for the most recent twelve month period.

5. Describe any previously used process at the Facility including the chemicals employed in each such process, the estimated quantities used per month in those processes and the time period in which those chemicals were used.

6. Is hazardous waste presently, or in the past has hazardous waste been generated and/ or managed at the Facility? If yes, specify the amount generated both monthly and yearly. State the EPA generator identification number held by either company.

7. Describe the procedure(s), if any, used to determine whether the waste is hazardous or not. Include the frequency and type of analyses performed or a description of any other methods used. Include copies of test results for any chemical or physical analyses conducted.

8. Identify the process by which each hazardous waste or solid waste is generated and the rate at which each waste is generated (both monthly and yearly). Indicate how wastes are stored, managed and disposed of and whether and how the wastes are shipped off-site. Include all current and past processes. State the names of the transporter(s) and the disposal facility(ies).

9. Provide all hazardous waste manifests for all shipments initiated by the Facility in the time period January 1985 to December 1990. State the EPA ID Number for each transporter and each disposal facility utilized.

10. Are spent materials generated, or were they ever, in the time period from January 1985 to December 1990, generated at the Facility? If yes, specify the types of spent materials, chemical content, and the amount of such materials generated (monthly and

yearly) in the time period January 1985 to December 1990. Describe the manner and location in which the spent materials have been handled, stored and/or disposed for the time period from January 1985 to December 1990.

11. Indicate the type of containers (eg. 55 gallon steel drum, 55 gallon polyethylene drum, tanks) in which each waste or spent material is stored. Describe the inspection procedures, if any, of container storage areas. Provide copies of inspection logs.

12. Provide a list of all spent acids, caustics, and any other waste chemicals shipped from the facility for off-site disposal. Provide copies of all shipping manifests, bills of lading, waste analysis profiles, and disposal confirmations for these materials.

13. Are hazardous wastes presently, or in the past have hazardous wastes been managed at the Facility? Specify the names and waste codes (defined in 40 C.F.R. Part 261) of the wastes manifested (e.g. corrosive waste (D002), toxic lead (D008) etc.)?

14. Has either company applied for an EPA ID number for the management of hazardous waste? Has either company applied for any permits or any other authorization to handle hazardous waste? If yes, please furnish such identification numbers, state the issuing authority of any permit or other authorization, date of application, and date of issuance of permit and permit number. Furnish a copy of all such permits and authorizations.

15. If neither company manages hazardous waste, submit any and all documentation/information, with an explanation if appropriate, that may be used to demonstrate that neither company manages, and has never managed hazardous waste.

16. For all Solid Waste Management Units ("SWMU"s), please provide:

- a. a list of each SWMU which is used, or has been used, in the management of these wastes;
- b. the operational status of each SWMU;
- c. past changes or suspected changes in the condition and function of each SWMU;
- d. a description of any containment and/or control systems maintained for each SWMU;
- e. changes or suspected changes in the condition of the containment and/or control systems maintained for each SWMU, and a description of the inspection and monitoring procedures implemented for each SWMU;

- f. indicate the age, contents, construction materials and capacity of each SWMU. If a SWMU is empty, indicate all materials which have been managed by the SWMU;
- g. if a SMWU is inactive or has been removed, indicate the conditions under which the SWMU was removed, date of removal, specifying age of the SWMU at the time of removal, removal process, and disposal procedures for all materials removed in the decommissioning of each SWMU (provide a facility site map which indicates the location and identity of each such SWMU);
- h. describe the inspection procedures for each SWMU and provide a copy of each inspection log.

Provide this information for all inactive SWMUs as well as those SWMUs currently in operation.

17. With reference to all process tanks or process vats, please state whether or not the tanks or process vats are cleaned on a regular basis, if they have ever been cleaned or if the contents of the tanks or process vats have ever been removed for any reason. For each of these activities, indicate how materials are removed or emptied and the procedures for storage, disposal, reuse and/or recycling of the materials. Include the dates of removal and volume of each material removed for each removal activity from any tanks or process vats.

18. With reference to the trench running along the interior of the south side of the Facility, describe:

- a. the purposes for which this trench was used;
- b. the time period during which this trench was used;
- c. the dimensions of the trench and the construction materials, if any, of the trench;
- d. the materials that were stored, placed, processed or treated in the trench;
- e. any excavation of the materials in the trench, the construction materials of the trench or the soil of, in or around the trench and the present placement of all excavated materials.

19. Are any excavated soils stored on site? If yes, indicate the conditions under which the soil was excavated, the approximate volume of soils excavated, the type of storage containers and the date of excavation. Include the results of any chemical analysis performed on any (excavated or in situ) site soils.

20. Does the company reuse, reprocess, recycle, regenerate or otherwise use spent materials? If yes, specify the types and chemical content of the materials recycled, reprocessed, reused, or regenerated and describe the processes, amount and location in which the spent materials have been recycled, reprocessed, reused, or regenerated, including all current and past processes at the site for the time period January 1985 to December 1990. If the materials were recycled, regenerated, reprocessed or otherwise treated at an off-site facility, state the name and EPA ID number of all such facilities utilized. If the materials were recycled, reprocessed, regenerated or reused on site, specify the amount of each material reused on a monthly and yearly basis for the past 3 years.

21. Have you sold any byproducts, coproducts, raw materials, unreacted raw materials, slag, chemical precipitate and/or dross, produced as a result of any of the processes? Have any arrangements been made to sell any of such materials? If yes, please describe all such sales, proposed sales, and arrangements including the name of the purchaser and the terms and conditions of the sales. Furnish copies of all contracts, receipts and other documents relating to such sales, proposed sales, or arrangements.

22. Have there ever been any spills, releases or discharges of hazardous waste and/or chemicals used at the Facility to the environment? If yes, provide the date of the release, the amount of hazardous waste and/or chemical released, the location where the release occurred, a description of all emergency and/or remedial actions taken following the release, the names and titles of all persons involved in any action occurring during and/or following the release which pertained to the release. If the Reportable Quantity was exceeded for any chemical released to the environment, provide a copy of the National Response Center Notification ID number.

23. Does the plant have a contingency plan or some other emergency plan which incorporates hazardous waste management? If yes, please provide a copy of such plan.

24. Provide a copy of any correspondence with NYC Police Dept., NYC Fire Dept. or any other local authorities, submitted to such authority as a notification of the types of wastes handled and the potential need for services at the facility.

25. Have any groundwater monitoring activities ever been conducted at or adjacent to the Facility. If yes, provide copies of the results of such groundwater monitoring for the period from January 1985 to the present.

26. Have there ever been any environmental impact studies, environmental assessments, environmental audits, air, soil, surface water, geological or hydrogeological studies or any other studies

performed for the Facility or concerning the Facility. If yes, provide a copy of all reports generated by each study.

27. Provide the names and job titles of all employees or contractors involved at any time in the handling or management of hazardous waste and/or hazardous substances at the Facility, specifically identifying each such person having supervisory duties or authority. For each employee, include records of all hazardous waste training received by such employee, the dates of the training and the individuals or organizations which provided the training.

28. Has Nelson Galvanizing Inc. or Nelson Foundry Inc. ever undertaken, paid for, supervised, directed, or otherwise participated in the repair or replacement of any surface and/or subsurface structure, sidewalk, pipeline, conduit, tank, water line, sewer line, or catch basin, in connection with, or the result of a discharge of hazardous waste from the facility. If affirmative, provide specific details regarding the nature of the project and the extent of participation in the project.

29. Does the company have a waste water discharge permit? If not, where is waste water discharged. If yes, state the issuing authority and the permit number.

30. Supply any additional information or documents that may be relevant or useful to identify other sources who generated, transported, or disposed hazardous wastes or substances at or from the Facility.

31. Provide a copy of a plot plan of the Facility that accurately reflects the current configuration of the interior of the Facility. Indicate where monitoring wells are located whether inside or outside of the Facility.

32. Provide a list of all liability insurance policies (including comprehensive general liability, environmental liability insurance, automobile liability insurance, directors and officers liability insurance, and other) maintained or held by either and each company since 1954. Provide also the name, address, and telephone number of any insurance broker or agent that may have arranged such insurance coverage. Furnish a copy of all such insurance policies.

33. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify either company, present or past directors, officers or owners of shares in either company, for any liability that may result under CERCLA or RCRA. Provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain.

34. For each company and for each present or past officer and director of each company, provide certified financial statements for the most recent three fiscal years, if available, or if unavailable, a copy of the federal income tax return for each of the most recent three fiscal years, together with a statement

certified by a knowledgeable person, stating whether there have been any material changes in such company's or person's financial status as reflected on such statement to a date within thirty days of the date of your response, and if there have been such material changes, describe such changes.

35. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the generation, handling, transportation, storage or disposal of materials at the Facility. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

36. Identify each person by name and position held at the company who prepared or assisted in the preparation of the responses to this information request and correlate each such person to the question on which he or she was consulted.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to me before this
day of _____, 1991

Notary Public